

U.S. Application Serial No. 09/671,941

REMARKS

The present amendment is in response to the Official Action dated May 5, 2003, wherein pending claims 1-19 are rejected. More specifically, the Examiner rejected claims 1-19 as being anticipated by Matsushima et al., US Patent Application Publication No. 2002/0161722. However in reviewing the reference cited in the Office Action, Matsushima et al., '722, can not be established as a prior reference given the filing date of the corresponding PCT application is January 12, 2001, which is after the filing date September 27, 2000, of the present application. While the reference identifies a related application, which was filed January 14, 2000, the related application is identified as a continuation-in-part application with no indication as to what portions of the presently cited reference may have been originally present or may have been later added. Consequently, it is unclear what priority date should be associated with each portion of the cited reference. Minimally a review of the earlier filed application would be necessary.

As presented in the Office Action, the rejection based upon anticipation of the claims has not been supported. As a result the applicant has not been given a fair opportunity to fully evaluate the merits of the alleged anticipation. In absence of a properly supported rejection, the rejection should be withdrawn, and the application allowed to proceed to issuance.

The Examiner has further objected to claim 1, because of a specific informality (i.e. typographical error of a clerical nature) consisting of the duplicate sequential use of the term "and" at the end of paragraph four and the beginning of paragraph five. The applicant has amended claim 1 to avoid the duplicate sequential use of the term "and", in an attempt to make the same more clear. As suggested in the Office Action, one of the "and"s has been deleted.

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The applicants would respectfully request the reconsideration and reexamination of the present application in view of the present amendment and remarks. In the event, that there are any remaining unresolved issues precluding the issuance of the present application after consideration of the present response, before issuing a further rejection, the Examiner is respectfully requested to contact the applicants' agent at the below listed number to discuss the same.

Respectfully submitted,
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